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PATENT
ATTORNEY DOCKET NO.: 041465-5102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application of:)	
Kenji MORITA et al.)	Confirmation No.: 1731
Application No.: 09/818,632)	Group Art Unit: 2621
Date Filed: March 28, 2001)	Examiner: Edwards, Patrick L.
For: APPARATUS FOR AND METHOD OF)	
PROCESSING IMAGE)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. § 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. This Information Disclosure Statement ("IDS") is being filed after the events recited in 37 C.F.R. § 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Office Action, a Notice of Allowance, or any action that otherwise closes prosecution in the application. Accordingly, this Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(c), and is accompanied by the statement specified in 37 C.F.R. § 1.97(e). Thus, no fee is due for the filing of this Information Disclosure Statement.

Applicants respectively submit that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of

this Information Disclosure Statement. Specifically, the listed document was first cited as document D4 in an Article 96(2) EPC Communication issued by the European Patent Office (“EPO”) on November 23, 2004 in a counterpart European patent application. A copy of the November 23, 2004 EPO Communication is attached for the Examiner’s consideration. Applicants note that while this November 23, 2004 EPO Communication also cites to additional documents D1-D3, these documents were previously filed in an IDS in this application on March 27, 2003.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449. A copy of the document is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art."

If it should be determined that the listed document does not constitute “prior art” under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 3, 2005

By:



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INFORMATION DISCLOSURE CITATION

 Attorney Docket No.
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 (Use several sheets if necessary)
PTO Form 1449

Applicants: Kenji MORITA et al.

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Filing Date: March 28, 2001

Group Art Unit: 2621

U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	5,724,106	Mar. 3, 1998	Autry et al.	348	734	Mar. 27, 1996

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	<u>Translation</u> YES NO	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.